



IFCW

6P3766

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3766

In re

Patent Application of

John D. Puskas

Application No. 10/051,752

Confirmation No.: 7521

Filed: January 16, 2002

Examiner: Carl Hernandez Layno

"APPARATUS FOR INDIRECTLY
STIMULATING THE VAGUS NERVE
WITH AN ELECTRICAL FIELD"

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR §1.97(b)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner's attention is directed to the references which are listed on the attached Form PTO/SB/08A and PTO/SB/08B. Copies of the non-patent references are attached.

Citation of these references is respectfully requested.

No concession is made that these documents are prior art, and Applicant expressly reserves the right to antedate the documents as may be appropriate.

Respectfully submitted,

Raye Lynn Daugherty
Raye L. Daugherty
Reg. No. 47,933

File No. 065071-9052-04

Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560

JUL 24 2006

PTO/SB/08A

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



Substitute for Form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/051,752
Filing Date	January 16, 2002
First named Inventor	John D. Puskas
Group Art Unit	3766
Examiner name	Carl Hermandz Layno
Attorney Docket Number	065071-9052-04

U.S. Patent Documents

Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	3,937,226	Funke	2/10/1976
	4,088,140	Fritzsche	2/15/1977
	4,303,075	Heilman et al.	12/1/1981
	4,332,259	McCorkle, Jr.	6/1/1982
	4,354,497	Kahn	10/19/1982
	4,458,677	McCorkle, Jr.	7/10/1984
	4,548,203	Tacker, Jr. et al.	10/22/1985
	4,928,688	Mower	5/29/1990
	4,929,688	Allen et al.	5/29/1990
	5,174,289	Cohen	12/29/1992
	5,267,560	Cohen	12/7/1993
	5,501,702	Plicchi et al.	3/26/1996
	5,514,161	Limousin	5/7/1996
	5,584,867	Limousin	12/17/1996
	5,674,259	Gray	10/7/1997
	5,720,768	Verboven-Nelissen	2/24/1998
	5,792,203	Schroeppel	8/11/1998
	5,797,970	Pouvreau	8/25/1998
	5,902,324	Thompson et al.	5/11/1999
	5,977,408	Levin et al.	11/2/1999
	5,998,386	Feldman	12/7/1999
	6,141,590	Renirie et al.	10/31/2000
	6,221,851	Feldman	4/2/2001

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 0231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box Alexandria, VA 22313-1450.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 2 of 2		Complete if Known	
		Application Number	10/051,752
		Filing Date	January 16, 2002
		First named Inventor	John D. Puskas
		Group Art Unit	3766
		Examiner name	Carl Hernandez Layno
		Attorney Docket Number	065071-9052-04

U.S. Patent Documents

Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	6,381,499	Taylor et al.	4/30/2002
	6,537,540	Burnstein et al.	3/25/2003
	6,572,895	Smith et al.	6/3/2003
	6,589,954	Mavunkel et al.	7/8/2003
	2001/0049543	Kroll	12/6/2001
	2002/072782	Osorio, et al.	6/13/2002
	2003/045909	Gross et al.	3/6/2003

FOREIGN PATENT DOCUMENTS

Examiner Initials	Country Code	Foreign Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Translation	English Abstract
	WO	01/89526	Tracey	11/29/2001		

Examiner Signature	Date Considered
--------------------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 0231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box Alexandria, VA 22313-1450.

JUL 24 2006

PTO/SB/08B

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB number.

or form 1449B/PTO				<i>Complete if Known</i>	
				Application Number	10/051,752
				Filing Date	January 16, 2002
				First Named Inventor	John D. Puskas
				Group Art Unit	3766
				Examiner Name	Carl Hernandz Layno
Sheet	1	of	3	Attorney Docket Number	065071-9052-04

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		BESEDOVSKY, H., et al., "Immunoregulatory Feedback Between Interleukin-1 and Glucocorticoid Hormones," Science, Vol. 233, No. 4764, pp. 652-654, 1986.
		BOROVKOVA, L.V., et al., "Role of Vagus Nerve Signaling in CNI-1493-mediated Suppression of Acute Inflammation," Autonomic Neuroscience: Basic and Clinical, Vol. 85, pp. 141-147, 2000.
		BOROVKOVA, L.V., et al., "Vagus Nerve Stimulation Attenuates the Systemic Inflammatory Response to Endotoxin," Nature, Vol. 405, 2000.
		BRISTOW, M., "The Adrenergic Nervous System In Heart Failure," The New Eng. J. of Med., Vol. 311, No. 13, pp. 850-851, 1984.
		DIWAN, A., et al., "Inflammatory Mediators and the Failing Heart: A Translational Approach," Cur. Mol. Med., Vol. 3, No. 2, pp. 161-182, 2003.
		FINKEL, M., et al., "Negative Inotropic Effects of Cytokines on the Heart Mediated by Nitric Oxide," Science, Vol. 257, pp. 387-389, 1992.
		FLESHNER, M., et al., "Thermogenic and Corticosterone Responses to Intravenous Cytokines (IL-1 β and TNF- α) are Attenuated by Subdiaphragmatic Vagotomy," J. of Neuroimmunology, Vol. 86, pp. 134-141, 1998.
		GAYKEMA, R., et al., "Subdiaphragmatic Vagotomy Suppresses Endotoxin-Induced Activation of Hypothalamic Corticotropin-releasing Hormone Neurons and ACTH Secretion," Endocrinology, Vol. 136, No. 10, pp. 4717-4720, 1995.
		GUARINI, S., et al., "Efferent Vagal Fibre Stimulation Blunts Nuclear Factor - κ B Activation and Protects Against Hypovolemic Hemorrhagic Shock

Examiner Signature	Date Considered
--------------------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.
DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB number.

Substitute for form 1449B/PTO				<i>Complete if Known</i>	
				Application Number	10/051,752
				Filing Date	January 16, 2002
				First Named Inventor	John D. Puskas
				Group Art Unit	3766
				Examiner Name	Carl Hernandez Layno
Sheet	2	of	3	Attorney Docket Number	065071-9052-04

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		GULICK, T., et al., "Interleukin 1 and Tumor Necrosis Factor Inhibit Cardiac Myocyte β -adrenergic Responsiveness," Proc. Natl. Acad. Sci. USA, Vol. 86, pp. 6753-6757, Sept. 1989.
		KROWN, K., et al. "Tumor Necrosis Factor Alpha-Induced Apoptosis in Cardiac Myocytes: Involvement of the Sphingolipid Signaling Cascade in Cardiac Cell Death," J. Clin. Invest., Vol. 98, No. 12, 1996.
		LI, Y. Y., et al., "Myocardial Extracellular Matrix Remodeling in Transgenic Mice Overexpressing Tumor Necrosis Factor α can be Modulated by Anti-tumor Necrosis Factor α Therapy," PNAS, Vol. 97, No. 23, pp. 12746-12751, 2000.
		LISMAN, K., et al., "The Role of Tumor Necrosis Factor Alpha Blockade in the Treatment of Congestive Heart Failure," CHF, Sept./Oct., 2002.
		MANN, D., et al., "New Therapeutics for Chronic Heart Failure," Annu. Rev. Med., Vol. 53, pp. 59-74, 2002.
		MANN, D., "Mechanisms and Models in Heart Failure – A Combinatorial Approach," Circulation, Vol. 100, pp. 999-1008, 1999.
		McGREGOR, E., et al., "Proteomics of Heart Disease," Human Molecular Genetics, Vol. 12, Review Issue 2, pp. R135-R144, 2003.
		SHARMA, R, et al., "The Importance of Tumor Necrosis Factor and Lipoproteins in the Pathogenesis of Chronic Heart Failure," Heart Failure Monitor, Vol. 2, No. 2, pp. 42-47, 2001.
		TAN, L.B., et al., "Cardiac Myocyte Necrosis Induced by Antiotensin II," J. Am. Heart Assoc., Vol. 69, pp. 1185-1195, 1991.

Examiner Signature	Date Considered
--------------------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known
Sheet	3	of	3	Application Number 10/051,752
				Filing Date January 16, 2002
				First Named Inventor John D. Puskas
				Group Art Unit 3766
				Examiner Name Carl Hernandz Layno
				Attorney Docket Number 065071-9052-04

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		WATKINS, L., et al., "Implications of Immune-to-Brain Communication for Sickness and Pain," Proc. Natl. Acad. Sci. USA, Vol. 96, pp. 7710-7713, July 1999.
		YEH, Shing-Shing, et al., "Geriatric Cachexia: The Role of Cytokines ^{1,2} ," Am. J Clin. Nutr., Vol. 70, pp. 183-97, 1999.
		YOKOYAMA, T., et al., "Cellular Basis for the Negative Inotropic Effects of Tumor Necrosis Factor - α in the Adult Mammalian Heart," The Journal of Clinical Investigation, Vol. 92, pp. 2303-2312, Nov. 1993.
		YOKOYAMA, T., et al., "Tumor Necrosis Factor - α Provokes a Hypertrophic Growth Response in Adult Cardiac Myocytes," Circulation, Vol. 95, pp. 1247-1252, 1997.

Examiner Signature	Date Considered
--------------------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.